

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ANDREA C. LAYGO, et al.

Plaintiffs,

v.

WORLD SAVINGS BANK, et al.,

Defendants.

No. C 12-5531 PJH

**ORDER DISMISSING CASE; ORDER
ADOPTING MAGISTRATE JUDGE'S
REPORT AND RECOMMENDATION**

Plaintiffs filed the complaint in the above-entitled action on October 26, 2013. No summons was issued at that time, or thereafter. On December 26, 2013, mail sent to plaintiffs was returned to the court as undeliverable. Again, on January 15, 2013, and January 17, 2013, mail sent to plaintiffs was returned as undeliverable.

On March 5, 2013, Magistrate Judge Laurel Beeler (to whom the case was then assigned), issued an order to show cause why the case should not be dismissed for failure to prosecute, given plaintiffs' failure to provide any proof of service of the summons and complaint on defendants within the 120 days allowed under Federal Rule of Civil Procedure 4(m).

Plaintiffs did not respond to the order to show cause, and on March 28, 2013, Judge Beeler issued a report and recommendation, recommending that the case be dismissed for failure to prosecute. Also on March 28, 2013, the case was reassigned to the undersigned

1 district judge.

2 The court has reviewed the report, and finds it correct, well-reasoned and thorough,
3 and adopts it in every respect. Accordingly, the case is DISMISSED, without prejudice, for
4 failure to prosecute. As a further basis for dismissal, the court finds that the case must be
5 dismissed based on plaintiffs' failure to provide the court with a correct address. See Civ.
6 L.R. 3-11.

7 In view of the fact that no summons was issued (and that defendants thus cannot
8 have been properly served), and the fact that all mail sent to plaintiffs has been returned to
9 the court as undeliverable, the court finds it unnecessary to delay issuing this order until
10 after the 14 days allowed under 28 U.S.C. § 636(b)(1) for parties to file objections to a
11 magistrate judge's report and recommendation.

12
13 **IT IS SO ORDERED.**

14 Dated: March 28, 2013



PHYLLIS J. HAMILTON
United States District Judge